



PATENT  
Customer No. 22,852  
Attorney Docket No. 3804.1596-01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Divisional Application of: )  
)  
Manfred BOHN et al. ) Group Art Unit: Unassigned  
)  
Application No.: 10/606,229 ) Examiner: Unassigned  
(Div. of Appl'n No.: 09/077,194) )  
)  
Filed: June 26, 2003 )  
)  
For: USE OF 1-HYDROXY-2-PYRIDONES FOR )  
THE TREATMENT OF SEBORRHEIC )  
DERMATITIS )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO-1449. This Information Disclosure Statement is being filed before the first Office Action on the merits in the above-referenced application.

Copies of the listed documents are attached.

Applicants call the Examiner's attention to the following currently or previously copending U.S. patent applications, copies of which are attached hereto:

**Application No.:** 08/776,101 - now U.S. Patent No. 6,162,420  
**Filing Date:** January 11, 1999  
**Attorney Docket No.:** 2481.1512-00  
Attached as U.S. 6,162,420

**Application No.:** 09/077,685 - now U.S. Patent No. 6,455,551  
**Filing Date:** June 3, 1998  
**Attorney Docket No.:** 3804.1582-00  
Attached as U.S. 6,455,551

**Application No.:** 09/077,191 - now U.S. Patent No. 6,469,033  
**Filing Date:** August 20, 1998  
**Attorney Docket No.:** 3804.1584-00  
Attached as U.S. 6,469,033

**Application No.:** 09/068,894  
**Filing Date:** September 18, 1998  
**Attorney Docket No.:** 3804.1590-00  
Attached as WO 98/13042

**Application No.:** 10/319,626  
**Filing Date:** December 16, 2002  
**Attorney Docket No.:** 2481.1738-01  
Attached as U.S. Patent Application Publication US-2003-0086881-A1

Applicants relate the following regarding the attached documents that are not in the English language:

**FR 2 694 694 A1:** This document relates to information understandable from the figures. Applicants also submit an English-language abstract.

**FR 2 685 867:** An English-language translation accompanies the document.

**FR 2 685 638:** This document relates to information understandable from the table on page 6, and from the English-language abstract submitted herewith.

**FR 2 618 068:** An English-language translation accompanies this document.

**WO 98/13043:** Applicants submit herewith an English-language counterpart, U.S. Patent No. 6,469,033 B1.

**WO 98/13042:** This document relates to information understandable from the English-language abstract appearing on its first page, and from its figures and tables.

**WO 97/20560:** Applicants submit herewith an English-language counterpart, U.S. Patent No. 6,455,551 B1.

**WO 96/29056:** This document relates to information understandable from the English language abstract on its first page.

**WO 96/02226 A1:** This document relates to information understandable from the English language abstract on its first page, and from its figures and tables.

**EP 0 771 187 B1:** An English-language translation of this document is submitted herewith.

**EP 0 680 745 (A2 & A3):** These documents relate to information understandable from the tables appearing in the A2 document, and from the English-language abstract submitted herewith.

**EP 0 649 660 A2:** This document relates to information understandable from its tables, and from the English-language abstract submitted herewith.

**EP 0 646 369 A1:** This document relates to information understandable from its figures and tables, and from the English-language abstract submitted herewith.

**EP 0 241 918 A2:** Applicants submit herewith an English-language counterpart, U.S. Patent No. 4,797,409.

**DE 38 26 914 A1:** This document relates to information understandable from its figures and tables, and from the English-language abstract submitted herewith.

**DE 31 40 954 A1:** This document relates to information understandable from its figures and tables, and from the English-language abstract submitted herewith.

**JP 61-069721:** This document relates to information understandable from the English language abstract submitted herewith.

**HU 208 007 B:** Applicants submit herewith English-language counterparts, U.S. Patent Nos. 5,356,907, 5,395,843, and 5,559,130.

**HU 202 098:** This document relates to information understandable from the English-language abstract submitted herewith.

**Corte et al.:** This document relates to information understandable from the English-language abstract appearing on the first page, and from its figures.

**Grosshans et al.:** This document relates to information understandable from its figures, and from the English-language abstract Applicants submit herewith.

**Hanel et al. (Mycosis 34 (1991)):** This document relates to information understandable from the English-language abstract found on the first page, and from the figures.

**Yoshimasa et al.:** This document relates to information understandable from the English-language abstract appearing on the first page, and from some of its tables.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If the Examiner applies the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

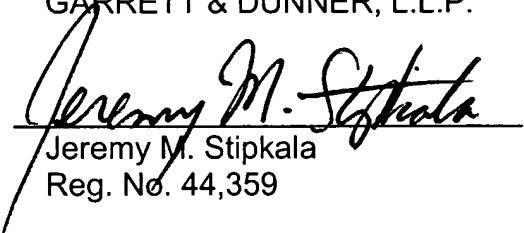
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: October 30, 2003

By:

  
Jeremy M. Stipkala  
Reg. No. 44,359

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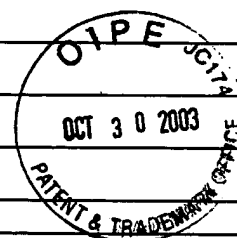
# INFORMATION DISCLOSURE CITATION

Atty. Docket No.: 03804.1596-01	Appln. No.: 10/606,229
Applicants: Manfred BOHN et al.	
Filing Date: June 26, 2003	Group: To be assigned

U.S. PATENT DOCUMENTS							
Examiner Initial*		Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	1	6,469,033 B1	22 Oct 2002	Bohn et al.			
	2	6,455,551 B1	24 Sep 2002	Kraemer et al.			
	3	6,162,420	19 Dec 2000	Bohn et al.			
	4	5,866,105	2 Feb 1999	Richter et al.			
	5	5,756,108	26 May 1998	Ribier et al.			
	6	5,753,600	19 May 1998	Kamegai et al.			
	7	5,683,681	4 Nov 1997	Ramin et al.			
	8	5,675,013	7 Oct 1997	Hani et al.			
	9	5,650,145	22 July 1997	Saint-Leger			
	10	5,603,939	18 Feb 1997	Ser			
	11	5,559,130	24 Sep 1996	Clemence et al.			
	12	5,494,658	27 Feb 1996	Hänel et al.			
	13	5,395,843	7 Mar. 1995	Clemence et al.			
	14	5,356,907	18 Oct. 1994	Clemence et al.			
	15	5,346,692	13 Sep 1994	Wohlrab et al.			
	16	5,264,206	23 Nov 1993	Bohn et al.			
	17	5,132,107	21 July 1992	Lange			
	18	5,120,530	9 June 1992	Ferro et al.			
	19	5,071,639	10 Dec. 1991	Soyama			
	20	5,066,484	19 Nov 1991	Castrogiovanni et al.			
	21	4,957,730	18 Sep 1990	Bohn et al.			
	22	4,797,409	10 Jan 1989	Lohaus et al.			
	23	4,699,924	13 Oct 1987	Durrant et al.			
	24	4,185,106	22 Jan 1980	Dittmar et al.			
	25	3,968,118	6 July 1976	Lohaus et al.			
	26	US-2003-0086881-A1)	8 May 2003 (published)	Bohn et al.			

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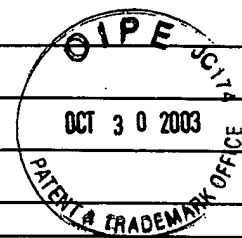


## FOREIGN PATENT DOCUMENTS

		Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
	27	FR 2 694 694 A1	18 Feb. 1994	France			English Abstract
	28	FR 2 685 867	9 July 1993	France			Yes
	29	FR 2 685 638	2 July 1993	France			English Abstract
	30	FR 2 618 068	20 Jan 1989	France			Yes
	31	GB 2 208 149 A	8 March 1989	U.K.			
	32	GB 2 207 051	25 Jan 1989	U.K.			
	33	WO 99/49835	7 Oct .1999	PCT			
	34	WO 99/39680 A	12 Aug. 1999	PCT			
	35	WO 98/13043	2 April 1998	PCT			(U.S. Counterpart)
	36	WO 98/13042	2 April 1998	PCT			English Abstract
	37	WO 97/20560	12 June 1997	PCT			(U.S. Counterpart)
	38	WO 96/29056	26 Sep 1996	PCT			English Abstract
	39	WO 96/29045	26 Sep 1996	PCT			
	40	WO 96/19186	27 June 1996	PCT			
	41	WO 96/13247	9 May 1996	PCT			
	42	WO 96/02226 A1	1 Feb 1996	PCT			English Abstract
	43	WO 95/17165	29 June 1995	PCT			
	44	WO 94/05256	17 March 1994	PCT			
	45	WO 87/02580 A	07 May 1987	PCT			
	46	EP 0 771 187 B1	07 May 1997	Europe			Yes
	47	EP 0 680 745 A3	8 Nov 1995	Europe			English Abstract
	48	EP 0 680 745 A2	8 Nov 1995	Europe			English Abstract
	49	EP 0 649 660 A3	26 April 1995	Europe			English Abstract
	50	EP 0 646 369 A1	5 April 1995	Europe			English Abstract
	51	EP 0 515 312 A2	25 Nov 1992	Europe			
	52	EP 0 381 446 A1	8 Aug 1990	Europe			
	53	EP 0 313 305	26 April 1989	Europe			

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		Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
	54	EP 0 241 918 A2	21 Oct 1987	Europe			(U.S. Counterpart)
	55	EP 0 218 410 A3	15 April 1987	Europe			
	56	DE 38 26 914 A1	15 Feb. 1990	Germany			English Abstract
	57	DE 31 40 954 A1	5 May 1983	Germany			English Abstract
	58	CA 2,134,304	29 April 1995	Canada			
	59	CA 2,134,293	27 April 1995	Canada			
	60	JP 61-69721	10 April 1986	Japan			English Abstract
	61	HU 208 007 B	28 May 1991	Hungary			(U.S. Counterparts)
	62	HU 202 098 B	28 March 1990	Hungary			English Abstract
	63	AU 716 208	17 April 1998	Australia			

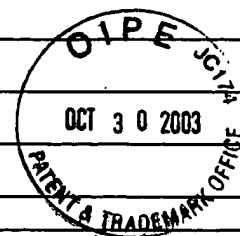
## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	64	Abrams et al., "Ciclopirox Olamine: A Hydroxypyridone Antifungal Agent," <i>Clinics In Dermatology</i> , Vol. 9, pp. 471-477 (1992).
	65	Aly et al., "Common Superficial Fungal Infections in Patients with AIDS," <i>Clin. Infect. Diseases</i> , Vol. 22, Suppl. 2, pp. S128-32 (1996).
	66	Amos et al., "Clinical efficacy of Polytar AF (Fongitar) and Nizoral Scalp Treatments in Patients with Dandruff/Seborrheic Dermatitis," <i>Journal of Dermatological Treatment</i> , Vol. 5, pp. 127-130 (1994).
	67	Braga et al., "Inhibition of Candida Albicans Adhesiveness to Human Buccal and Vaginal Cells by Sub-inhibitory Concentrations of Rilopirox," <i>Arzneim.-Forsch./Drug Res.</i> , Vol. 45, No. 1, pp. 84-87 (1995).
	68	Corte et al., "Topische Anwendung einer 0.1%igen Ciclopiroxolamin-Lösung zur Behandlung der Pityriasis versicolor, Topical Application of a 0.1% Ciclopiroxolamine Solution for the Treatment of Pityriasis versicolor," <i>Mycosis</i> , Vol. 32, No. 4, pp. 200-203 (1989). (English Abstract)
	69	Cullen et al., "Treatment of Tinea Versicolor with a New Antifungal Agent, Ciclopirox Olamine Cream 1%," <i>Clinical Therapeutics</i> , Vol. 7, No. 5, pp. 574-583 (1985).
	70	Faergemann, J., "Pityriasis Versicolor," <i>Seminars in Dermatology</i> , Vol. 12, No. 4, pp. 276-279 (1993).
	71	Grosshans et al., "L'Eczema Seborrheique (La Pityrosporese)," <i>Ann. Dermatol. Venereol.</i> , Vol. 115, pp. 79-86 (1988). (English Abstract)



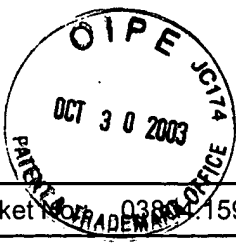
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Applicants: Manfred BOHN et al.	
Filing Date: June 26, 2003	Group: To be assigned



## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

72	Hanel et al., "Evaluation of Fungicidal Action <i>in Vitro</i> and in a Skin Model Considering the Influence of Penetration Kinetics of Various Standard Antimycotics," <i>Annals New York Academy of Sciences</i> , Vol. 544, pp. 329-337 (1988).
73	Hanel et al., "A Comparison of Bifonazole and Ciclopiroxolamine: <i>In Vitro</i> , Animal, and Clinical Studies," <i>Mycoses</i> , Vol. 31, No. 12, pp. 632-640 (1988).
74	Hanel et al., "Treatment of Seborrheic Eczema Using an Antimycotic with Antiphlogistic Properties," <i>Mycoses</i> , Vol. 34, Suppl. 91-93 (1991). (English Summary)
75	Martindale, The Extra Pharmacopoeia 30 <sup>th</sup> Ed., London, <i>The Pharmaceutical Press</i> , pp. 332, 1609 (1993).
76	Montana et al., "A Double-Blind, Vehicle-Controlled Study of the Safety and Efficacy of Fungoid Tincture® in Patients with Distal Subungual Onychomycosis of the Toes," <i>Cutis</i> , 53:313-316 (1994).
77	Plewig et al., "Seborrheic Dermatitis," <i>FitzPatrick's Dermatology in General Medicine</i> , 5 <sup>th</sup> Ed., Ch. 126, pp. 1-17 CD-Rom (1999).
78	Przekop et al., "Ciclopirox Olamine, An Antifungal Modulator of Neutrophil Function and Infiltrate in Cutaneous Inflammation," <i>J. Investigative Dermatology</i> , Vol. 102, No.4, (SID Abstracts) p. 593, (1994).
79	Raether et al., "Rilopriox-a New Hydroxypyridone Antifungal with Fungicidal Properties," <i>Mycoses</i> , Vol. 33, No. 4, pp. 191-202 (1990).
80	Rivalland, P., et al., "Evaluation of the antifungal activity of two derivatives and in vivo innocuity tests of shampoos with regard to antidandruff formulations," Abstract, <i>Int. J. Cosmet. Sci.</i> , Vol. 16, No. 2, pp. 77-83 (1994).
81	Saint-Leger et al., "The Role of the Resident Microflora in the Pathogenesis of Dandruff," <i>J. Soc. Cosmet. Chem.</i> , Vol. 40, No. 2, pp. 109-117 (1989).
82	Schofer, H., "Therapie des seborrhoischen Ekzems bei HIV-Infektion," <i>Forschung und Praxis</i> , 98 Seite III, (1990).
83	Shapiro et al., "Medicated Shampoos," <i>Clinics in Dermatology</i> , Vol. 14, pp. 123-128 (1996).
84	Shuster, S., "Dandruff, Seborrheic Dermatitis, and Pityrosporum Ovale," <i>Cosmetics and Toiletries</i> , Vol. 103, pp. 87-91 (1988).
85	Yoshimasa et al., "The Sebum Lipid Assimilation and The Growth Inhibition of <i>Pityrosporum ovale</i> (1st report)," <i>J. Soc. Cosmet. Chem. Japan</i> , Vol. 22, No. 3, pp. 165-170 (1988). (English Abstract).
86	"Scaly Dermatoses," <i>Handbook of Nonprescription Drugs</i> , American Pharm. Assoc., Ch. 26, pp. 550-552 (1996).



## INFORMATION DISCLOSURE CITATION

OMB No. 0651-0011

Atty. Docket No. 038001596-01	Appln. No.: 10/606,229
Applicants: Manfred BOHN et al.	
Filing Date: June 26, 2003	Group: To be assigned

87	"Seborrheic Dermatitis and Dandruff," Manual of Dermatologic Therapeutics, 5 <sup>th</sup> Ed., Ch. 29, pp. 164-167 (1995).
88	Abstract of JP 07-082126 A (1993).
Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
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